

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Public Services-Treasuries & Accounts Department-Visakhapatnam District-Surprise Check Conducted by ACB Officials on 31.3.1999 at District Treasury, Visakhapatnam-Disciplinary action against Sri M.Venkateswara Rao, Senior Accountant, District Treasury, Visakhapatnam-Punishment awarded- Appeal Petition Rejected-Representation-Modified the punishment- Orders-Issued.

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**FINANCE (ADMN-III) DEPARTMENT**

G.O.Rt.No. 2169

Dated:30-04-2010

Read the following:

- 1.Procg.No.K(I)1/23893/99-3, dt.24.3.05 of the DTA, Hyderabad
- 2.Appeal petition if the individual dt.27.4.2005
- 3.Govt.Memo.No.41568-C/1096/A1/Admn.III/2005, dt.12.6.2006
- 4.Mercy petition of Sri M.Venkateswara Rao, Senior Accountant, District Treasury, Visakhapatnam with the endorsement of Fin (M) dtd.Nil.
- 5.Govt.Memo.No.2055/413/A1/Admn-III/2008, dtd.20.10.2009
- 6.C.M.O.No.6507/CMP/2009, dt.04.12.2009 received from Prl. Secretary to Chief Minister along with representation of Sri M.Venkateswara Rao, Senior Accountant, District Treasury, Visakhapatnam, dt.29.10.2009.

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**ORDER:**

In a surprise check conducted by the ACB in the District Treasury, Visakhapatnam on 31.3.1999 among others Sri M.Venkateswara Rao, Senior Accountant, District Treasury, Visakhapatnam was found with an amount of Rs.10,532/- in his shirt pocket, pant pocket and purse for which he had no satisfactory account. Therefore, the following charge was framed against him.

**Charge:**

“that Sri M.Venkateswara Rao, while functioning as senior Accountant of ‘E’ Section, Dist. Treasury, Visakhapatnam during the period between 27.8.93 to till that date committed grave misconduct in as much as he is in possession of huge cash without mentioning in the personal cash register and for which, he has no satisfactory account for the possession of such cash and thereby failed to maintain absolute integrity and conduct unbecoming of a Government Servant in discharge of duty.”

2. A regular Enquiry has been conducted, wherein the Charge was proved, after following due procedure, the Director of Treasuries & Accounts, A.P., Hyderabad has imposed the punishment of stoppage of three increments with cumulative effect against Sri M.Venkateswara Rao, Senior Accountant, District Treasury, Visakhapatnam vide reference read above.

3. Against the above punishment imposed by DTA, the individual has preferred Appeal petition vide reference 2<sup>nd</sup> read above, the Government have rejected his Appeal petition vide reference 3<sup>rd</sup> read above.

4. Again the individual has preferred revision petition vide reference 4<sup>th</sup> read above, the Government have rejected the same vide reference 5<sup>th</sup> read above.

5. Sri M.Venkateswara Rao, Senior Accountant, District Treasury, Visakhapatnam vide reference 6<sup>th</sup> read above, has submitted his Revision Petition, wherein it is stated that Government in their G.O.Rt.No.3388, Finance (Admn-III) Department dt.11.09.2006, have allowed the appeal petition of Sri A.Bhaskara Rao, Senior Accountant, and he has been exonerated on the ground that he carried the amount of Rs.2150/- along with him since 28.3.1999 to meet the expenditure on medical check up as prescribed by Dr.Y.G.Sunder Raju. He has stated that his appeal petition has been rejected by the Government on 12.06.2006 whereas the appeal petition of Sri A.Bhaskar Rao who was inflicted the same punishment by the DTA has been allowed by Government subsequently on 11.09.2006. He has stated that the Government believed the version of

Sri A.Bhaskar Rao, Senior Accountant justice requires to believe his version also the effect that the amount given by his father on 20<sup>th</sup> March, 1999 towards his children's education was brought to office in different wads to avoid pick-pocket in transit to office and due to busy office work by the end of March, the amount available with him could not be deposited in the bank. The amount given by his father has been accounted for in the cash book on 20<sup>th</sup> March, 1999 and the accounts were also audited by the competent authorities. He has also quoted some case law. He has further stated that the Supreme Court of India have categorically opined that an appropriate punishment shall be imposed keeping in view the gravity of the charge. The disciplinary authority has imposed penalty without looking into the effect of the punishment. The opinion of the Government that the punishment awarded will commensurate with the gravity of charge. It is nothing but a causal disposal of appeal petition without going through the effect of the punishment. He has stated that he will be denied three increments on a permanent basis till the date of his retirement under FR.24. He will be denied promotion for six years as per G.O.Ms.No.343, GA (Ser.C) Dept., dated.4.8.97. This punishment is very harsh to bear. It is stated that the Enquiry Officer has merely presumed that the amount of Rs.10,000/- should not have been given to him on the ground that it contains in different wads in different places. This presumption is absolutely incorrect as any interaction to keep the money in different places just to avoid pick-pocketing in transit. He also stated that, as per G.O.Ms.No.457, GA (Ser.C) Department, dated.05.12.2001 r/w G.O.Ms.No.350, GA (Ser.C) Dept., dt.8.8.02, the judicial pronouncement of Supreme Court of India are the law of the land shall be followed in tune with the Article 141 of the Constitution of India. He has requested the Government kindly to issue orders setting aside the punishment of stoppage of three increments with cumulative effect imposed by the DTA as confirmed by the Government in Finance Department without examining the issue in depth and the similar treatment given to Sri A.Bhaskar Rao, Senior Accountant involved in the same issue.

6. Government after careful examination of the material and the representation of the Charged Officer on enquiry report, Review petition, observe that the reasons given by the Charged Officer for possessing the excess amount of Rs.10,532/- that his father has given the said amount for his childrens' education which the petitioner has brought to deposit the same in the bank may be accepted but the reason of avoiding pick pocketing given for keeping the same in different pockets is not convincing. However, keeping in view the punishment awarded by the Government on the Retired Officers which is subsequent to the punishment awarded on the petitioner, Government hereby decided to modify the punishment of withholding of 3 annual grade increment with cumulative effect with effect on pension awarded in the reference 1<sup>st</sup> read above to that of One increment with cumulative effect with effect on pension.

7. Government accordingly, that the punishment of withholding of 3 annual grade increments with cumulative effect with effect on pension imposed on Sri M.Venkateswara Rao, Senior Accountant, District Treasury, Visakhapatnam, in the reference 1<sup>st</sup> read above, is modified to that of One increment with cumulative effect with effect on pension.

8. The Director of Treasuries and Accounts, A.P., Hyderabad is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To  
The individual (through the DTA, AP, Hyderabad)

Copy to: The DTA, AP, Hyderabad.  
The APVC, Hyderabad

//FORWARDED:: BY ORDER//

SECTION OFFICER